

B. REMARKS

1. Status of the Application

Claims 1-2, 4-22, 24-25, and 27 are pending in the application. All of the pending claims stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 8, and 24-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claims 1-2, 4-22, 25, and 27 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,047,259 (“Campbell”) in view of U.S. Publication No. 2002/0022975 (“Blasingame”). Claim 24 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Campbell in view of Blasingame and further in view of U.S. Patent No. 5,636,873 (“Sonsteby”).

Applicant hereby amends claims 1, 7, 22 and 24-25, cancels claims 2, 4-6, 8-21 and 27, and adds new claims 28-31.

2. The Amended Claims Recite Statutory Subject Matter.

The examiner has rejected all of the pending claims under 35 U.S.C. § 101 as failing to recite statutory subject matter. Applicant respectfully traverses this ground for rejection and submits that all of the pending claims recite either an apparatus or a method tied to a particular apparatus and, therefore, that they recite statutory subject matter.

Notwithstanding, Applicant hereby amends independent claim 1 to explicitly recite a method tied to an interactive computer system, wherein the computer system, among other things, responds to input by a user by outputting information related to the user input and generating prompts based on the user input. Applicant hereby also amends independent claim 22 to unequivocally recite an apparatus comprising a set of pre-printed templates prompting a user

to perform certain predefined acts and providing means for the user to record such acts. Applicant submits that the amended independent claims and the claims that depend from them recite statutory subject matter. Applicant hereby cancels claims 8-21, thereby rendering the rejection of these claims moot.

3. The Amended Claims Are Definite.

The examiner has rejected claims 1, 8, and 24-25 as being indefinite. Applicant hereby amends these claims. Applicants submit that the amended claims are definite.

4. The Amended Claims Are Allowable Over The Cited References.

The examiner has rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Blasingame and, with respect to claim 24, further in view of Sonstebuy. Applicant respectfully traverses these grounds for rejection at least for the reasons set forth in the response to the previous Office Action.

Notwithstanding, Applicant hereby amends claim 1 to explicitly recite a computer-based, interactive method comprising the steps of conducting a preliminary physical examination of a patient, making a preliminary diagnosis that the patient is afflicted by a particular medical disorder based on the preliminary examination, entering into a computer system information identifying the medical disorder, and then outputting from the computer information related to the medical disorder and prompting the user to perform further examination, among other limitations. Neither Campbell nor Blasingame nor the combination thereof teaches this combination of limitations.

Campbell does not teach conducting a preliminary physical examination, making a preliminary diagnosis, entering into a computer information identifying the preliminary diagnosis, and then conducting further, confirmatory examination further to prompts output from

the computer system. Instead, Campbell teaches only conducting a complete physical examination prior to any diagnosis being made. *See, e.g.*, Campbell at col. 2, lines 16-27 (“the system displays physical exam screens that guide the user through a complete medical exam . . . At the end of an exam, the system evaluates the abnormal observations and generates a list of possible diagnoses”) (emphasis added); col. 7, lines 35-40 (“The user interface screens guide the user by displaying a list of items that require observation. For some items, the software will not allow the user to proceed without entering an observation. At the end of the physical exam, the physical exam software requires the doctor to sign off on the physical exam. The doctor can then proceed to invoke the diagnosis software.”) (emphasis added). Nowhere does Campbell teach or suggest conducting a preliminary examination, making a preliminary diagnosis based on the preliminary examination, and then conducting further examination to confirm the diagnosis. Instead, Campbell denigrates and, therefore, teaches away from this practice. *See, e.g.*, Campbell at col. 1 lines 27-32 (“Some software programs used to diagnose medical problems start with the physician making a tentative diagnosis, and then proceed to collect medical observations which support, or clarify the tentative diagnosis. This can lead to inaccurate conclusions since the medical exam is likely to be biased by the original diagnosis.”) As such, Campbell is not a proper reference with respect to claim 1 and its dependent claims.

Blasingame does not teach conducting a preliminary physical examination, making a preliminary diagnosis based on the examination, entering into a computer information identifying the preliminary diagnosis, and then conducting further, confirmatory examination further to prompts output by the computer system, either. Instead, to the extent that Blasingame could be deemed to teach making a preliminary diagnosis, Blasingame teaches doing so only based on patient history, before a patient is even seen by a physician or other medical

professional. Accordingly, such “preliminary diagnosis” could not be based on a preliminary physical examination.

For at least the reasons set forth above, Applicant submits that claim 1 and its dependent claims are allowable and requests reconsideration and withdrawal of the pending rejections thereof.

Applicant hereby also amends claim 22 to more explicitly recite an apparatus comprising a set of pre-printed templates, each template directed to a respective medical disorder, and each template provided with information prompting a user to perform one or more predefined tasks, each template adapted to allow annotation indicating the user's actions or recommendations in response to the foregoing prompts. Both Campbell and Blasingame are directed to computer-based systems and methods for performing examinations of and diagnosing patients. Neither Campbell nor Blasingame teaches or suggests a set of pre-printed templates directed to respective medical disorders. The examiner has taken the position that Blasingame teaches a plurality of printed templates populated with information directed to a medical disorder. Applicant respectfully disagrees and submits that Blasingame does not teach or suggest a set of templates in pre-printed form and adapted for annotation by a user in such pre-printed form as recite in claim 22. Instead, Blasingame teaches only computer-based forms into which a user can electronically enter information for storage in the computer system.

Applicant also hereby amends claim 25 to recite the pre-printed forms of claim 22 being printed on paper encased in transparent plastic. This feature is not disclosed or suggested by the foregoing references.

Applicant submits that the claims, as amended, are fully supported by the specification and that no new matter has been added.

5. The New Claims Further Define the Invention.

Applicant hereby adds new claims 29-31 to further define the invention. Applicant submits that these new claims are fully supported by the specification and that no new matter has been added.

6. Conclusion

Applicant respectfully submits that the application as amended is in condition for allowance and respectfully requests reconsideration and withdrawal of the pending rejections.

Applicant submits that this paper is timely filed further to the Petition under 37 C.F.R. § 1.136(a) set forth above. Notwithstanding, should the Office deem otherwise, Applicants request that the Office consider this paper as a petition for a further extension of time sufficient to effect a timely response and as an authorization to charge the required fees to Deposit Account No. 12-0913 (referencing attorney docket no. 49605-109902) held in the name of Barnes & Thornburg.

Respectfully submitted,
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